

**CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA**



**MINUTES
TUESDAY, SEPTEMBER 26, 2017
Council Chamber, City Hall
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262
REGULAR MEETING**

4:00 P.M. CLOSED SESSION

CALL TO ORDER (Council Chamber): Mayor Moon called the meeting to order at 4:36 p.m. Councilmembers Kors, Roberts, and Mayor Moon were present. It was noted Councilmember Mills had an excused absence.

City Attorney Kotkin stated there were two items that came to the City via email after the posting of the agenda, and requested adding the two items to the Closed Session Agenda as follows:

EXISTING LITIGATION, G.C. 54956.9(d)(1)

City of Palm Springs v. Desert Wellness, H. Sossa, Trustee of Sossa Family Trust
Case No. PSC 1602065, Riverside Superior Court, Palm Springs Division

EXPOSURE TO LITIGATION, G.C. 54956.9(d)(2)

1 Case

ACTION:

By a majority (3-0-2, noting the absence of Councilmember Mills and Mayor Pro Tem Foat) vote the following were approved:

- 1) A. Find information regarding the existing litigation, Desert Wellness, was received after the posting of the Agenda and there is an immediate need to hear and/or take action; and
B. Find information regarding one (1) case Exposure to Litigation was received after the posting of the Agenda and there is an immediate need to hear and/or take action.
- 2) Add to the Closed Session Agenda two (2) items pursuant to Cal. Gov. Code Section 54956.9(e)(3) as shown below:

EXISTING LITIGATION, G.C. 54956.9(d)(1)

City of Palm Springs v. Desert Wellness, H. Sossa, Trustee of Sossa Family Trust
Case No. PSC 1602065, Riverside Superior Court, Palm Springs Division

EXPOSURE TO LITIGATION, G.C. 54956.9(d)(2)

1 Case

PUBLIC COMMENT (Council Chamber): No one came forth to address the Mayor and City Council.

RECESS TO CLOSED SESSION (Small Conference Room):

At 4:37 p.m., the Mayor and City Council recessed to Closed Session in the Small Conference Room. See Closed Session Agenda, Exhibit A.

Mayor Pro Tem Foat arrived at 4:40 p.m. and proceeded to Closed Session.

6:00 P.M. REGULAR MEETING

CALL TO ORDER: Mayor Moon called the meeting to order at 6:07 p.m.

PLEDGE OF ALLEGIANCE: Mayor Moon led the salute to the flag.

ROLL CALL:

PRESENT: Councilmember Kors, Councilmember Roberts, Mayor Pro Tem Foat, and Mayor Moon

ABSENT: Councilmember Mills

ALSO PRESENT: City Manager Ready, Assistant City Manager Fuller, City Attorney Kotkin, and Interim City Clerk Hart

PRESENTATIONS: None.

ACCEPTANCE OF THE AGENDA:

ACTION: Approve the agenda as presented with the removal of Item 1N from the agenda and noting the recusal of Mayor Pro Tem Foat from Item 1H.

Motion by Councilmember Roberts, seconded by Councilmember Kors, and carried (4-0-1, Councilmember Mills absent) on a roll call vote.

REPORT OF CLOSED SESSION:

City Attorney Kotkin announced that the Council discussed all Closed Session items and staff would proceed with negotiations on the real property matter at APN 504-26-0024 at \$7.50 per square foot.

PUBLIC TESTIMONY: (Non-Public Hearing Agenda Items ONLY)

Rosaria Avilla discussed Item 1M and suggested additional discussions by the Council.

CITY COUNCIL, SUBCOMMITTEE, AND CITY MANAGER'S COMMENTS AND REPORTS:

City Manager Ready provided an update on the Budget and Finance Subcommittee's consideration of additional safety requirements, State "take-aways" and "requirements", and City Council direction. He presented the proposed budget strategies including

potential revenue opportunities and areas of possible budget reductions, including the next steps.

Councilmember Kors spoke on the efforts of the Budget and Finance Committee to determine revenue opportunities and work with community organizations.

Councilmember Roberts stated Measure D was a great opportunity which he fully supported and hoped the community would embrace. He reiterated his request to come up with revenue opportunities rather than cuts.

Mayor Pro Tem Foat spoke of the budget cuts in Fiscal Year 2008-09 and the current plan to carefully consider revenue opportunities.

Police Chief Reyes announced the upcoming dedication ceremony on October 8, 2017 for fallen Police Officers.

City Manager Ready discussed the proposed increased evening airline flights and the appeal process.

Mayor Moon stated the Demuth Community Center changes were not based on the budget. Council discussion included the following:

- The modified hours are due to limited staffing
- Request the Parks Commission to review the schedule
- The cost for one additional staff person was \$50,000-\$60,000
- Suggested fundraising to add staff

1. CONSENT CALENDAR:

ACTION: Approve Items 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 1L, and 1M.

Motion by Councilmember Kors, seconded by Councilmember Roberts, and (4-0-1, Councilmember Mills absent and Mayor Pro Tem Foat recused from Item 1H) carried on a roll call vote.

1.A. TREASURER'S INVESTMENT REPORT AS OF JULY 31, 2017:

ACTION: Receive and File the Treasurer's Investment Report as of June 31, 2017.

Approved as part of the Consent Calendar.

1.B. SECOND READING AND ADOPTION OF ORDINANCE NO. 1936, AMENDING THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO THE REQUIREMENTS FOR HOTEL RESTAURANT FACILITIES IN THE R-2, R-3 AND R-4 ZONE DISTRICTS:

ACTION: Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1936, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN AMENDMENT TO SECTIONS 92.03.01(C), 92.04.01(D), AND 92.05.01(D) OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO THE REQUIREMENTS FOR HOTEL RESTAURANT FACILITIES IN THE R-2, R-3 AND R-4 ZONE DISTRICTS."

Approved as part of the Consent Calendar.

1.C. SECOND READING AND ADOPTION OF ORDINANCE NO. 1937, AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 17 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):

RECOMMENDATION: Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1937, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 17, 64 @ THE RIV, TRACT MAP NO. 37210, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF A SPECIAL TAX TO QUALIFIED ELECTORS."

Approved as part of the Consent Calendar.

1.D. ACCEPT THE RESIGNATION OF MARK ACKER FROM THE PARKS AND RECREATION COMMISSION:

ACTION:

1. Accept with regret the resignation of Mark Acker from the Parks and Recreation Commission; and
2. Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2018.

Approved as part of the Consent Calendar.

1.E. ACCEPT THE RESIGNATION OF DAVE DARRIN FROM THE PARKS AND RECREATION COMMISSION:

ACTION:

1. Accept with regret the resignation of Dave Darrin from the Parks and Recreation Commission; and
2. Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2018.

Approved as part of the Consent Calendar.

1.F. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS: RECOMMENDATION:

1. Adopt Resolution No. 24309, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 07-29-2017 BY WARRANTS NUMBERED 420018, 420020 THROUGH 420035 TOTALING \$30,105.94 LIABILITY CHECKS NUMBERED 1093767 THROUGH 1093786 TOTALING \$80,196.09, FIVE WIRE TRANSFERS FOR \$61,551.87, AND THREE ELECTRONIC ACH DEBITS OF \$1,437,054.91 IN THE AGGREGATE AMOUNT OF \$1,608,908.81, DRAWN ON BANK OF AMERICA;"
2. Adopt Resolution No. 24310, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1093787 THROUGH 1093902 IN THE AGGREGATE AMOUNT OF \$2,499,698.73, DRAWN ON BANK OF AMERICA;"
3. Adopt Resolution No.24300, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1093903 THROUGH 1094026 IN THE AGGREGATE AMOUNT OF \$2,691,967.87, DRAWN ON BANK OF AMERICA;"
4. Adopt Resolution No. 24301, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF

PAYROLL WARRANTS FOR THE PERIOD ENDED 08-12-2017 BY WARRANTS NUMBERED 420036 THROUGH 420051 TOTALING \$25,987.07 LIABILITY CHECKS NUMBERED 1094027 THROUGH 1094046 TOTALING \$78,652.91, FIVE WIRE TRANSFERS FOR \$61,836.87, AND THREE ELECTRONIC ACH DEBITS OF \$1,328,253.78 IN THE AGGREGATE AMOUNT OF \$1,494,730.73, DRAWN ON BANK OF AMERICA;"

5. Adopt Resolution No. 24302, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1094047 THROUGH 1094177 IN THE AGGREGATE AMOUNT OF \$1,286,240.12, DRAWN ON BANK OF AMERICA;"
6. Adopt Resolution No. 24303, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1094178 THROUGH 1094288 IN THE AGGREGATE AMOUNT OF \$1,106,796.59, DRAWN ON BANK OF AMERICA;"
7. Adopt Resolution No. 24304, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 08-26-2017 BY WARRANTS NUMBERED 420052 THROUGH 420068 TOTALING \$27,607.44 LIABILITY CHECKS NUMBERED 1094289 THROUGH 1094308 TOTALING \$79,471.00, FIVE WIRE TRANSFERS FOR \$72,391.95, AND THREE ELECTRONIC ACH DEBITS OF \$1,341,663.20 IN THE AGGREGATE AMOUNT OF \$1,521,133.59, DRAWN ON BANK OF AMERICA;"
8. Adopt Resolution No. 24305, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1094309 THROUGH 1094454 IN THE AGGREGATE AMOUNT OF \$1,614,130.28 DRAWN ON BANK OF AMERICA;" and
9. Adopt Resolution No. 24306, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1094455 THROUGH 1094561 IN THE AGGREGATE AMOUNT OF \$1,658,252.84, DRAWN ON BANK OF AMERICA."

Approved as part of the Consent Calendar.

1.G. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF AUGUST 2017:

ACTION:

Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of August 1 through August 31, 2017.

Approved as part of the Consent Calendar.

1.H. ACCEPTANCE OF THE MIZELL SENIOR CENTER SHADE CANOPY, CP 15-12:

ACTION:

1. Accept the public works improvement identified as the Mizell Senior Center Shade Canopy, CP 15-12, as completed in accordance with the plans and specifications, A6876; and
2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Mizell Senior Center Shade Canopy, CP 15-12.

Approved as part of the Consent Calendar, noting the recusal of Mayor Pro Tem Foat.

1.I. AWARD A CONSTRUCTION CONTRACT TO CONDOR, INC. IN THE AMOUNT OF \$384,000 FOR THE PALM SPRINGS SWIM CENTER REPLASTER AND POOL REPAIR PROJECT, CP 16-06:

RECOMMENDATION:

1. Award a construction contract to Condor, Inc., a California corporation, in the amount of \$384,000 for the Palm Springs Swim Center Replaster and Pool Repair Project, CP 16-06;
2. Authorize the City Manager to approve and execute construction contract change orders up to an additional amount of \$38,400; and
3. Authorize the City Manager to execute all necessary documents. A7029.

Approved as part of the Consent Calendar.

1.J. AWARD PURCHASE OF GAS MASKS AND GAS MASK FILTERS FOR ALL POLICE DEPARTMENT SWORN PERSONNEL:

RECOMMENDATION:

1. Award the purchase of 100 Avon brand gas masks and 200 gas mask filters for PSPD sworn personnel from Adamson Police Products of Los Alamitos, CA in the amount of \$44,855.00 including applicable sales tax and delivery.
2. Authorize the City Manager to execute all necessary documents.

Approved as part of the Consent Calendar.

1.K. TRANSFER AND ASSIGNMENT OF ROA CAPITAL LLC D/B/A MEDICAL PROPERTIES II PALM SPRINGS, LLC LEASEHOLD INTEREST IN LEASES NOS. A2528, A2529, A2636 TO CMK CIELO, LLC:

ACTION:

1. Approve the Non-Disturbance, Estoppel and Ground Lessor's Consent Agreement with CMK CIELO, LLC;
2. Approve the Assignment and Assumption of Lease Agreement Nos. A2528, A2529, and A2636 and related Consents to Assignment; and
3. Authorize the City Manager to execute all necessary documents as required.

Approved as part of the Consent Calendar.

1.L. REVISED RENTAL RATE SCHEDULE FOR AIRPORT CAR RENTAL CONCESSIONAIRES:

RECOMMENDATION:

1. Approve the revised rental rate schedule and authorize replacement of the rental rate schedule that was embedded in the amendments which the City Council approved on June 21, 2017, for all five Airport car rental concessionaires; and
2. Authorize the City Manager to execute all necessary documents.

Approved as part of the Consent Calendar.

1.M. APPOINT COUNCILMEMBER KORS AS BOARD MEMBER/CITY LIAISON TO THE COMMUNITY CHOICE AGGREGATION PROGRAM AND COACHELLA VALLEY COMMUNITY ENERGY AUTHORITY:

ACTION:

Appoint Councilmember Kors as Board Member/City Liaison to the Community Choice Aggregation Program and Coachella Valley Community Energy Authority.

Approved as part of the Consent Calendar.

**1.N. APPROVAL OF MINUTES:
RECOMMENDATION:**

Approve the City Council Minutes of May 17, 2017, and June 7, 2017.
Withdrawn from agenda. No action taken.

EXCLUDED CONSENT CALENDAR: None.

2. PUBLIC HEARINGS: None.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. A REQUEST BY FREEHOLD COMMUNITIES, LLC, TO AMEND A PREVIOUSLY APPROVED SPECIAL SIGN DISTRICT FOR THE MIRALON RESIDENTIAL DEVELOPMENT, LOCATED ON THE NORTH SIDE OF SAN RAFAEL DRIVE, EAST OF NORTH INDIAN CANYON DRIVE, SOUTH OF THE WHITEWATER RIVER, AND WEST OF SUNRISE WAY, CASE SP 06-114 AMND:

Director of Planning Services Fagg presented a PowerPoint outlining the proposed amendments to the signs for the Miralon Residential Development.

Council discussion ensued.

ACTION:

Adopt Resolution No. 24307, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. SP 06-114 AMND TO AMEND A PREVIOUSLY APPROVED SPECIAL SIGN DISTRICT FOR THE MIRALON RESIDENTIAL PROJECT LOCATED ALONG THE NORTH SIDE OF SAN RAFAEL DRIVE, EAST OF NORTH INDIAN CANYON DRIVE, SOUTH OF THE WHITEWATER RIVER AND WEST OF SUNRISE WAY, CASE SP 06-114 AMND, ZONE PDD 290, SECTION 35."

Motion by Councilmember Roberts, seconded by Mayor Pro Tem Foat, and carried (4-0-1, Councilmember Mills absent) carried on a roll call vote.

5.B. REQUEST FOR EARLY CONSTRUCTION START TIMES FOR CERTAIN WORK ACTIVITIES AT THE ANDAZ HOTEL CONSTRUCTION SITE FROM NOVEMBER 1, 2017, THROUGH APRIL 30, 2018:

Assistant City Manager Fuller presented the staff report.

ACTION:

Approve the requested early construction time of 12:00 AM for nine specific dates between November 1, 2017, and April 30, 2018, for the Andaz Hotel construction.

Motion by Councilmember Roberts, seconded by Mayor Pro Tem Foat, and carried (4-0-1, Councilmember Mills absent) carried on a roll call vote.

5.C. AMENDMENT TO THE FISCAL YEAR 2017-18 BUDGET TO INCORPORATE THE 2017 ANNUAL SLURRY SEAL PROJECT, TO BE FUNDED BY SENATE BILL 1 (SB 1), THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017, CP 17-02:

Assistant City Manager Fuller presented the staff report.

ACTION:

1. Adopt Resolution No. 24308, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2017-18, ADOPTED BY RESOLUTION 24238, TO INCORPORATE THE 2017 ANNUAL SLURRY SEAL PROJECT, CP 17-02, TO BE FUNDED BY SB 1, THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017;"
2. Amend the Fiscal Year 2017-18 Budget to include an appropriation of \$263,599 of SB1-RMRA (Gas Tax) Funds for Fiscal Year 2017-18; and
3. Amend the Fiscal Year 2017-18 Budget to include a new capital improvement project to be funded with SB1-RMRA (Gas Tax) Funds, identified as the 2017 Annual Slurry Seal Project, CP 17-02.

Motion by Councilmember Kors, seconded by Mayor Pro Tem Foat, and carried (4-0-1, Councilmember Mills absent) carried on a roll call vote.

PUBLIC COMMENT: (Non-Agenda Items)

Kat Smith complimented the City on being pet-loving.

Polly Cylbreth, President of the Dessert Swing Dance Club, discussed their use of the Pavilion.

Steve Hansmeyer expressed concern regarding use of Palm Springs Pavilion being cut to save money.

Trae Daniel discussed the wall of Tamarisk trees on the Tahquitz Creek Golf Course between the Crossly Track and commented on racial discrimination.

Shelly Saunders thanked Mayor Pro Tem Foat for her service. She discussed concerns regarding threats on budget cuts and encouraged efforts to increase revenue.

Dawn Plonski concurred with Ms. Saunders and discussed the benefits of recreation opportunities in the City of Palm Springs.

Constance Claire Newman spoke of her participation in community center activities and the need to retain community services.

Les Young, Parks and Recreation Chair, spoke on the resignations of Mark Acker and David Darren, and encouraged interested residents to apply.

Vida Muldarry discussed her family's use of the parks and recreation facilities and encouraged the Council to retain services.

Scott Ward discussed his use of the Palm Springs Swim Center and benefits of swimming.

Phyllis Burgess spoke of the Mayor of San Francisco's effort to bring jobs to the City through encouraging backyard and rooftop gardens. She suggested the land use fee be reduced and backyard gardening be implemented.

Caroline Brockmeier commented on the personal hygiene of the homeless and suggested installation of outhouses and portable shower buses.

Jonathon Cota stated support for City employees and continued recreation programs and facilities.

Officer Joe Cook, Palm Springs Police Officers Association, presented a framed blue line flag as a reminder of the fallen Palm Springs Police Department's fallen officers to the Mayor and City Council.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

Mayor Moon complimented staff for obtaining \$6 million in CVAG state funds for bicycle and pedestrian safety projects. Assistant City Manager Fuller stated the projects would begin by December 1, 2018.

Mayor Pro Tem Foat discussed the need for the City Council to consider revising its ordinances regarding animals.

Mayor Moon stated the Council had approved spending \$384,000 for swim center repairs on the Consent Calendar and a previous allocation to repair roofs on some of the City's facilities. Assistant City Manager Fuller discussed the pool repair schedule.

City Manager Ready introduced Harriet Baron, Director of Fund Development.

ADJOURNMENT:

At 7:20 p.m., the City Council adjourned to the next regular meeting Tuesday, October 4, 2017, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

Respectfully submitted,



Kathleen D. Hart, MMC
Interim City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, California, hereby certify that the September 26, 2017, MINUTES were approved by the City Council of the City of Palm Springs at a regular meeting held on December 6, 2017, by the following vote:

AYES: Councilmembers Kors, Mills, Roberts, Mayor Pro Tem Foat, and Mayor Moon
NOES: None
ABSENT: None
ABSTAIN: None
RECUSAL: None



Kathleen D. Hart, MMC
Interim City Clerk